

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

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4 FABIENNE ZANON,

Case No. 2:20-cv-02080-JCM-EJY

5 Plaintiff,

6 v.

ORDER

7 BEAUTY BY DESIGN; RED ROCK
8 SURGERY CENTER; ROBERT TROELL MD
9 LTD; ROBERT TROELL; DAVID MALITZ,
MD PC; DAVID MALITZ MD; and DOES and
ROES 1 through 10,

10 Defendants.

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12 Before the Court is Defendants' Memorandum of Attorney Fees. ECF No. 58. No response
13 to the Memorandum was filed by Plaintiff.

14 The U.S. District Court for the District of Nevada has adopted the hybrid lodestar/multiplier
15 approach used by the Supreme Court in *Hensley v. Eckerhart*, 461 U.S. 424 (1983), as the proper
16 method for determining the amount of attorney's fees due in most actions. The lodestar/multiplier
17 approach has two parts. First, a court determines the "lodestar" amount by multiplying the number
18 of hours reasonably expended on the litigation by a reasonable hourly rate. *Id.* at 433. The party
19 seeking an award of fees must submit evidence supporting the hours worked and the rates claimed.
20 *Id.* The district court will generally exclude from the lodestar amount hours that are not reasonably
21 expended because they are "excessive, redundant, or otherwise unnecessary." Second, a court may
22 adjust the lodestar upward or downward using a "multiplier" based on factors not subsumed in the
23 initial calculation of the lodestar. *Blum v. Stenson*, 465 U.S. 886, 898–901 (1984) (reversing upward
24 multiplier based on factors subsumed in the lodestar determination).

25 Here, Defendants Las Vegas Surgery Center, LLC, David Malitz MD PC, and David Malitz
26 MD seek a total of \$787.50 in attorney's fees. Michael R. Esposito of Kravitz Schnitzer Johnson
27 Watsom & Zeppenfeld billed his time at \$175 an hour. Mr. Esposito is in his seventh year of practice
28 and recognized by the Las Vegas community as among the "legal elite." Mr. Esposito spent a total

1 of 4.5 hours in researching and drafting the Motion for Sanctions. A review of Mr. Esposito's
2 background, the results of the Motion for Sanctions, and the billing entries shows the amount billed
3 and time spent was reasonable and appropriate.

4 Accordingly,

5 IT IS HEREBY ORDERED that Defendants' Memorandum for Attorney's fees (ECF No.
6 58), seeking \$787.50 is GRANTED.

7 IT IS FURTHER ORDERED that Plaintiff must pay the Kravitz Schnitzer Johnson Watsom
8 & Zeppenfeld firm the sum of \$787.50 within thirty (30) days of the date of this Order unless an
9 objection has been filed and is pending on that date.

10 IT IS FURTHER ORDERED that failure to comply with this Order may result in additional
11 sanctions up to and including a recommendation to strike Plaintiff's operative Complaint.

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13 Dated this 5th day of August, 2022.

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15 ELAYNA J. YOUCHAK
16 UNITED STATES MAGISTRATE JUDGE
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